

Express Mail EV 759 784 611 US

2-27-06

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL
FORM

Application Number	10/775,704 (Conf. #3340)
Filing Date	10 February 2004
First Named Inventor	Mark R. HELLBERG
Art Unit	1618
Examiner Name	Fay, Z.
Attorney Docket Number	2187 US F

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3 a

ENCLOSURES (Check all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

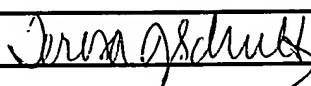
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/
Incomplete Application
<input type="checkbox"/> Reply to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers

<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify
below):

Response To Restriction Requirement
[2 pp] and Return Card |
|--|--|---|

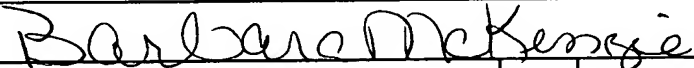
Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Alcon Research, Ltd.		
Signature			
Printed name	Teresa J. Schultz		
Date		Reg. No.	40,526

CERTIFICATE OF TRANSMISSION/MAILING EXPRESS MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Barbara McKenzie	Date	24 February 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

In re Application of:
Mark R. Hellberg
Iok-Hou Pang
John M. Yanni

Serial No.: 10/775,704 (Conf. #3340)

Filed: February 10, 2004

For: USE OF COMPOUNDS FOR TREATING
CONDITIONS RESULTING FROM
INJURY TO THE CORNEAL NERVE
AFTER LASIK AND OTHER OCULAR
SURGERIES OR TRAUMA

**RESPONSE TO RESTRICTION REQUIREMENT
DATED JANUARY 26, 2006**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Paper is filed in response to the Restriction Requirement mailed January 26, 2006, for which the one-month date for response is February 26, 2006.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Assistant Commissioner is authorized to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from Alcon, Inc. Deposit Account No. 501051.

Reconsideration of the application is respectfully requested.

Group Art Unit: 1618

Examiner: Fay, Z.

Atty. Dkt. No.: 2187 US F

I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage, as "Express Mail," Mailing Label EV 759 784 611 US in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

24 February 2006

Date

Barbara McKenzie

Name

Barbara McKenzie

I. RESPONSE TO RESTRICTION REQUIREMENT

The restriction requirement under 35 U.S.C. §121 states that the present application claims three distinct inventions. Group I (claims 1-6) is drawn to a method of treatment of dry eye using a compound that promotes neuron regeneration or Neurite outgrowth, classified in class 514, subclass 263; Group II (claims 7-12) is drawn to a method of decreasing corneal sensitivity resulting from injury to cornea using a compound that promotes neuron regeneration or Neurite outgrowth, classified in class 514, subclass 263; and Group III (claims 13-18) is drawn to a method for treatment of injury to corneal nerve using a compound that promotes neuron regeneration or Neurite outgrowth, classified in class 514, subclass 263. For purposes of fully responding to the restriction requirement, Applicant elects the invention set forth in Group I, that is claims 1-6, but respectfully traverses the restriction requirement. Applicant reserves the right to pursue claims directed to the non-elected inventions and embodiments at a later time.

The Examiner is invited to contact the undersigned attorney at (817) 551-4321 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



Teresa J. Schultz
Reg. No. 40,526
Attorney for Applicants

ALCON RESEARCH, LTD.
6201 S. Freeway, Q-148
Fort Worth, TX 76134-2099
(817) 551-4321

Date: 24 Feb 06